

**ORDINANCE NO. 2014-18**

ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BY AND AMONG FDG COUNTYLINE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FDG BN EXPANSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND THE CITY OF HIALEAH, FLORIDA, A COPY OF WHICH IN SUBSTANTIAL FORM IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1". **PROPERTY COMPRISING APPROXIMATELY 504 ACRES WITHIN AN AREA BOUNDED ON THE WEST BY NW 107 AVENUE, ON THE NORTH BY NW 170 STREET, ON THE EAST BY NW 97 AVENUE AND ON THE SOUTH BY NW 154 STREET; ALL LOCATED IN HIALEAH, FLORIDA. PROPERTY HAVING A LAND USE CLASSIFICATION OF INDUSTRIAL AND LOCATED WITHIN THE BDH BUSINESS DEVELOPMENT ZONING DISTRICT.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the Planning and Zoning Board at its meeting of February 25, 2014 recommended approval of this ordinance; and

**WHEREAS,** the City of Hialeah, FDG Countyline, LLC and FDG BN Expansion, LLC desire to enter into a development agreement pursuant to the Florida Local Development Agreement Act, sections 163-3220 et seq., Florida Statutes; and

**WHEREAS,** the Development Agreement provides for the dedication of certain portions for principal roadways to the City, dedication and development of internal roads within the approximately 504-acre development, landfill closure, stormwater drainage plan, mechanism of site plan approval according to a project program for retail and office uses with a land use exchange matrix, and dedication to the City of improved acreage for a park to serve the residential community located in the Annexation Area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby approves the Development Agreement by and among FDG Countyline, LLC., a Delaware limited liability company, FDG BN Expansion, LLC, a Delaware limited liability company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1" and in furtherance thereof, the City of Hialeah authorizes the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into the Development Agreement and execute any document relating thereto. The Development Agreement covers property comprising approximately 504 acres within an area bounded on the west by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the south by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of Industrial and located within the BDH Business Development Zoning District.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as

abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

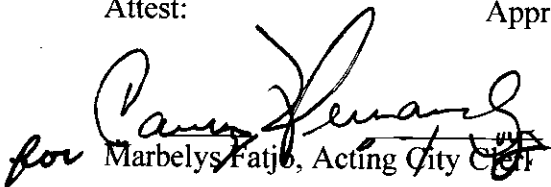
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

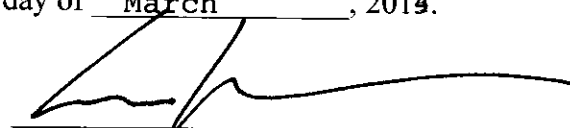
PASSED and ADOPTED this 25 day of March, 2014.

  
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Isis Garcia-Martinez  
Council President

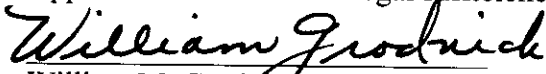
Attest:

Approved on this 25 day of March, 2014.

  
for Marbelys Fajó, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Ordinance was adopted by a 6-0-1 vote with Council Members,  
Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez  
and Lozano voting "Yes" & Council Vice President Gonzalez absent.